

AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

Please cancel claims 1 – 28.

Please add the following new claims:

29. (New) A gastroplasty device, comprising:

a cartridge assembly having a longitudinal axis, the cartridge assembly having a first tissue acquisition member pivotable about the longitudinal axis in relation to a second tissue acquisition member;

each tissue acquisition member including a tissue receiving cavity sized to receive a fold of stomach tissue, the tissue receiving cavity being coupled to a vacuum port; and

a stapler disposed on the first tissue acquisition member and the second tissue acquisition member for stapling the fold of stomach tissue.

30. (New) The gastroplasty device of claim 29, further comprising a septum removably positioned between the first tissue acquisition member and the second acquisition member.

31. (New) The gastroplasty device of claim 29, further comprising an expandable element.

32. (New) The gastroplasty device of claim 31, wherein the expandable element is selected from the group consisting of a scope, a balloon, and a wire form.

33. (New) The gastroplasty device of claim 30, wherein the septum comprises a bioabsorbable material.

34. (New) The gastroplasty device of claim 33, wherein the bioabsorbable material is selected from the group consisting of polylactic acid (PLA), poly(lactic-co-glycolic acid) (PLGA), and polyglycolic acid (PGA).